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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,583	09/15/2003	Sanjay Bhardwaj	03 P 52810 US	9324
20350 7590 02/05/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHURNET, DARGAYE H	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,583

Applicant(s)

BHARDWAJ, SANJAY

Examiner

Dargaye H. Churnet

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-20 and 22 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

For claim 8, applicant claims "one of said pipeline stages having a data width that is greater than said common data segment width for holding therein a portion of the encapsulation packet that is larger than said data segments". However, in p. 9 of the disclosure, applicant discloses "Stage Sk is W bytes wide, but the remainder of the stages S1-Sk-1 of the k-stage portion are wider than W bytes. Stages S1-Sk-1 are N-1 bytes wider than the W byte wide data path (and stage Sk), where N represents a number of adjacent bytes within the encapsulated packet that will be used to modify the encapsulating header", which is the opposite of what is claimed. Therefore, the claim is not enabling. Claims 9-12 are rejected as being dependent on rejected claims.

For claim 13, applicant claims "one of said pipeline stages coupled to another of said pipeline stages for combining, in said another pipeline stage, part of a data segment currently held in said one pipeline stage with a data segment currently held in said another pipeline stage". However, there is no mention of combining data segments

anywhere in the disclosure; all that is mentioned is forwarding data segments to parallel stages, but no combination. Therefore, the claim is not enabling. Claims 14-16 are rejected as being dependent on rejected claims.

For claim 17, lines 6-9, applicant claims "insuring that said information is available in said sequence of parallel data segments, including combining a first of said parallel data segments and part of a second of said parallel data segments at a temporal position in said sequence occupied by said first parallel data segment". However, there is no mention of combining parallel data segments or a temporal position anywhere in the disclosure. Therefore, the claim is not enabling. Claim 22 is rejected for similar reasons. Claims 18-20 are rejected as being dependent on a rejected claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 21, and 23 are rejected under 35 U.S.C 102(e) as being anticipated by Lee et al. (cited 2003/0152076) hereinafter referred to as Lee.

For claim 1, Lee discloses an apparatus for processing an encapsulation packet including an encapsulating header and an encapsulated packet, comprising: a data pipeline having an input for receiving the encapsulation packet formatted as a sequence of parallel data segments (see paragraph [0076], lines 6-11, wherein the parallel data segments of the incoming packet are inputted to a data pipeline), said data pipeline including a plurality of pipeline stages (see paragraph [0078], lines 1-2, wherein the pipeline comprises a plurality of pipeline stages), each said pipeline stage for holding therein successive ones of said data segments (see paragraph [0078], lines 2-4, wherein the data segments are stored in the pipeline stages); a modifier (see paragraph [0188], lines 1-2, protocol translator unit 315) coupled to said data pipeline for modifying said encapsulating header in response to first information contained in said encapsulated packet (see paragraph [0188], lines 1-5, wherein the modifying is stripping header information and the POPOFF field is the first information giving a starting point to begin stripping header bytes); and selection logic (see fig. 13, displaying the selection logic between pipeline stages) coupled between said data pipeline and said modifier, said selection logic having an input for receiving selectively programmable second information indicative of a location of said first information within said encapsulated packet (see paragraph [0188], lines 5-7, wherein the second information is the number of bytes to be removed), said selection logic responsive to said second information for routing said first information from said data pipeline to said modifier (see fig. 11, displaying the packet between pipeline stages routed after the packet header is stripped based on the POPOFF field). Claims 21 and 23 are rejected for similar reasons.

For claim 2, Lee discloses said modifier is for removing header information from said encapsulating header (see paragraph [0188], lines 1-5, wherein the modifying is stripping header information).

For claim 3, Lee discloses said modifier is for replacing said removed header information with said first-mentioned information (see paragraph [0188], lines 1-5, wherein the modifying is stripping header information based on the offset which provides the starting point for removing bytes).

For claim 4, Lee discloses said selection logic (see fig. 13, displaying the protocol translator unit within the execution stage of the pipeline, the protocol translator unit performing the packet header modification) includes a selector (see fig. 13, Mixer 446) having an input coupled to said pipeline and having an output, and a shifter (see fig. 13, Rotator 440) having an input coupled to said selector output and having an output coupled to said modifier (see fig. 13, Mixer 438 and paragraph [0193], describing the path to the Mixer 436 which performs the header stripping).

For claim 5, Lee discloses said modifier includes a selector (see fig. 13, Mixer 438) having an input coupled to said pipeline (see fig. 13, path from Encapsulation Data 456 to the Mixer 438) and to said out of said shifter (see fig. 13, path from Rotator 440 to Mixer 438).

For claim 7, Lee discloses said first information includes address information (see paragraph [0194], lines 4-9, wherein the strip offset field includes address information).

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of the admitted prior art.

For claim 6, Lee fails to disclose said encapsulation packet is an OSI layer 2 packet, said encapsulating header is an OSI layer 2 header and said encapsulated packet is an OSI layer 3 packet. The admitted prior art from the same or similar fields of endeavor teach said encapsulation packet is an OSI layer 2 packet, said encapsulating header is an OSI layer 2 header and said encapsulated packet is an OSI layer 3 packet (see paragraph [0003], lines 3-6, wherein the encapsulation packet is OSI layer 2 with a layer 2 encapsulating header and layer 3 encapsulated packet). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by the admitted prior art in the network of Lee. The method taught by the admitted prior art is modified/implemented into the network of Lee by using the OSI hierarchical model for the encapsulation packets. The motivation for combining the inventions is that Lee deals with pipelining encapsulation packets as described in the admitted prior art.

Response to Arguments

5. Applicant's arguments filed with respect to claims 17 and 22 have been fully considered but they are not persuasive. Applicant argues that there is support for "insuring that said information is available in said sequence of parallel data segments, including combining a first of said parallel data segments and part of a second of said parallel data segments at a temporal position in said sequence occupied by said first parallel data segment" in the disclosure. Applicant cites "Each time that pipeline stages

S2-Sk receive a new segment of W data bytes, the N-1 lower order bytes...of the new segment are also forwarded on data paths 300 on the next downstream stage in the pipeline", which simply discloses that data segment are forwarded along the pipeline stages, with no mention of combining data segments. Applicant also cites Fig. 1 which "shows an encapsulation packet together with a time axis". Besides the fact that this citation does not disclose any combination of data segments at a temporal position, it also cites a prior art, not the applicant's invention.

Applicant's arguments with respect to claims 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

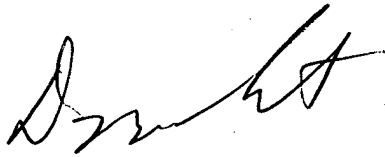
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dargaye H. Churnet whose telephone number is 571-270-1417. The examiner can normally be reached on Monday-Friday from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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